

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE AS TO
GUILLERMO OVALLE, : SPECIFIC PROPERTY
Defendant. : 11 Cr. 1065 (RA)
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WHEREAS, on or about December 13, 2011, GUILLERMO OVALLE (the “Defendant”), was charged in a one-count Information, 11 Cr. 1065 (the “Information”), with possession of child pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2)(Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 2253, of any visual depictions produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offense alleged in Count One of this Information, or any property traceable to such property, including but not limited to the following:

- a. Any and all visual depictions of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Sections 2256(8)(A) seized on or about April 1, 2010, from OVALLE’s residence; and
- b. Any and all computer and other equipment seized on or about April 1, 2010 from OVALLE’s residence, including but not limited to a Hewlett Packard Pavilion laptop computer, serial number 2CE8170J8Y;

(a. through b. collectively, the “Specific Property”).

WHEREAS, on or about December 13, 2011, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government;

WHEREAS, the Defendant further consents to the forfeiture of all his right, title and interest in Specific Property, which constitutes property used in the offense charged in Count One of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Robert B. Sobelman of counsel, and the Defendant, and his counsel, Eric Sears, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, GUILLERMO OVALLE, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

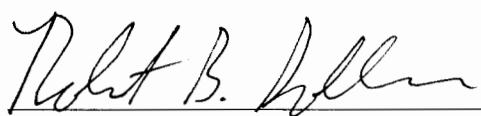
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9. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



ROBERT B. SOBELMAN
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2616

4/20/22

DATE

GUILLERMO OVALLE

By:


GUILLERMO OVALLE

4/20/22

DATE

By:


RENATO STABILE, ESQ.

Attorney for Defendant
580 Broadway, Suite 400
New York, New York 10012
(212) 219-1469

4/20/22

DATE

SO ORDERED:


HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE

4/20/22

DATE